

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

BRIAN BOWEN II,

PLAINTIFF,

v.

ADIDAS AMERICA, INC.;
JAMES GATTO; MERL CODE;
CHRISTIAN DAWKINS; MUNISH
SOOD; THOMAS GASSNOLA; and
CHRISTOPHER RIVERS,

DEFENDANTS.

NO. 3:18-CV-3118-JFA

**DEFENDANT ADIDAS AMERICA,
INC.'S MOTION TO DISMISS**

Defendant adidas America, Inc. (“adidas”), by and through its undersigned counsel, hereby moves pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff’s Complaint with prejudice for failure to state a claim for which relief may be granted. The basis for this motion is set forth in further detail in adidas’s accompanying memorandum of law, which is attached as Exhibit A. The Declaration of Lucy Dinkins is attached as Exhibit B. For the reasons set forth herein and in adidas’s memorandum of law, adidas respectfully requests that the Court dismiss Plaintiff’s claims against it with prejudice.

[Signature Block on Following Page]

Respectfully submitted,

s/Matthew T. Richardson

Matthew T. Richardson (D.S.C. Id. No. 7791)
Mary Lucille (“Lucy”) Dinkins (D.S.C. No. 11961)
WYCHE
801 Gervais Street, Suite B
Columbia, South Carolina 29201
Tel: (803) 254-6542
mrichardson@wyche.com
ldinkins@wyche.com

Andrew J. Ceresney (*pro hac vice* application pending)
William H. Taft V (*pro hac vice* application pending)
Nathan S. Richards (*pro hac vice* application pending)
Miheer Mhatre (*pro hac vice* application pending)
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
Tel: (212) 909-6000
aceresney@debevoise.com
whaft@debevoise.com
nsrichards@debevoise.com
mmhatre@debevoise.com

Counsel to Defendant adidas America Inc.

February 5, 2019